

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARK E. BERENT,
2695 Diamond Cut Dr., #2
Beavercreek, OH 45431

Plaintiff,

VS.

IMPEX, INC.,
2801 S. Towne Avenue
Pomona, CA 91766

and

CHI HSIN IMPEX, INC.,
c/o Richard Jui Chi Chung, Agent
2801 S. Towne Avenue
Pomona, CA 91766

and

JOHN DOE CORP. #1,
Name and Address Unknown

Defendants.

:
: Civil Action No. :
:

: PETITION OF REMOVAL FROM
: THE COURT OF COMMON PLEAS,
: GREENE COUNTY, OHIO (CASE
: NO. 2022 CV 0565)

PLEASE TAKE NOTICE on this date, defendants IMPEX, INC. and CHI HSIN IMPEX, INC., by and through the undersigned counsel has filed this Petition of Removal pursuant to 28 U.S.C. 1441 and 28 U.S.C. 1446 in the office of the clerk of the United States District Court for the Southern District of Ohio, Western Division.

Said defendants state as follows:

Nature of Removed Action

1. Impex, Inc. and Chi Hsin Impex, Inc. have been named as Defendants in the action styled

Mark E. Berent v. Impex, Inc. et al., Case No. 2022 CV 0565, commenced in the Court of

Common Pleas, Greene County, State of Ohio, on or about October 3, 2022 through the filing of a Complaint.

2. In accordance with 28 U.S.C. § 1446(a), a copy of the docket sheet, and a copy of all process, pleadings, and orders served upon the Defendants in the state court action are attached hereto as Exhibit A.

I. Timeliness of Removal

3. This civil action was filed on October 3, 2022 by Mark E. Berent, and service of the First Amended Complaint was perfected on Impex, Inc. through certified mail on October 6, 2022. They were the first served defendants. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is timely filed thirty days after service of Plaintiff's Complaint.

II. Propriety of Venue

4. Venue is proper in this district and division under 28 U.S.C. § 1441(a), because the state court where the suit is pending is located in this district and this division.

III. Basis of Removal

5. Removal in this case is proper pursuant to 28 U.S.C. § 1441(a), which provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”
6. Subject matter jurisdiction is conferred upon this Court by 28 U.S.C. §1332, which provides that district courts have original jurisdiction in actions where the amount in controversy exceeds \$75,000 and the action is between citizens of different states.

A. Diversity of Citizenship

7. This case involves a Plaintiff who is a citizen of the State of Ohio.
8. Chi Hsin Impex, Inc. is incorporated under the laws of California, with its principal place of business in Pomona, California.
9. Impex, Inc. is the trade name / “as known as” name of Chi Hsin Impex, Inc., which is incorporated under the laws of California, with its principal place of business in Pomona, California.
10. A corporation is deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State of foreign state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Therefore, none of the corporate defendants named in the complaint are considered citizens of Ohio for the purposes of diversity jurisdiction under 28 U.S.C. § 1332(a).

B. Amount in Controversy

11. The matter in controversy exceeds the sum or value of \$75,000,00, exclusive of interests and costs.

IV. Statement of Consent to Removal

12. Chi Hsin Impex, Inc. was successfully served on October 7, 2022 via certified mail tracking number 9590926699042189139166.
13. Chi Hsin Impex, Inc. joins in and consents to removal to the United States District Court for the Southern District of Ohio, Western Division.
14. Impex, Inc. was successfully served on October 6, 2022 via certified mail tracking number 9590926699042189139159.
15. Impex, Inc. joins in and consents to removal to the United States District Court for the Southern District of Ohio, Western Division.

V. Other Removal Issues.

16. A Notice of Filing of Notice of Removal will be filed this day with the Court of Common Pleas, Greene County, Ohio, and served all parties.
17. Defendant hereby removes this action from the Court of Common Pleas, Greene County, State of Ohio to the United States District Court for the Southern District of Ohio, Western Division.

Respectfully submitted,



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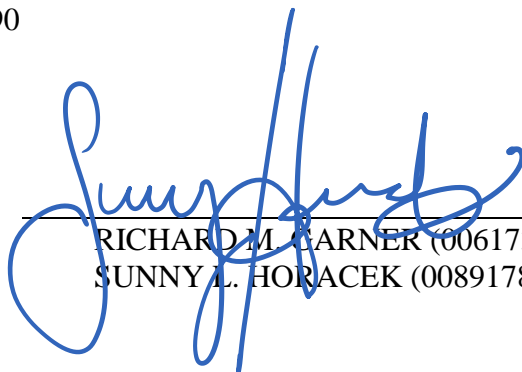
Counsel for Defendant Impex, Inc.

and Chi Hsin Impex, Inc.

CERTIFICATE OF SERVICE

This is to certify that on October 19, 2022 a true and correct copy of the foregoing were served upon the following counsel via e-mail:

R. CRAIG MCLAUGHLIN, Esq.
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Counsel for Plaintiff



RICHARD M. BARNER (0061734)
SUNNY L. HORACEK (0089178)

INDEX OF PAPERS SERVED OR FILED IN STATE COURT

Pursuant to 28 U.S.C. §1446(a), the following constitutes all papers filed or served in Court of Common Pleas, Greene County, State of Ohio, up to the date of filing of this Notice of Removal. A copy of each document identified below is attached hereto as an exhibit, in chronological order and separately tabbed.

EXHIBIT A: Greene County Docket Report
Summons Served on Impex, Inc.
Complaint